FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

Criminal Revision Application No. 14/2005

Appeal	District :
Application No.	of 200
Writ petition	

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Shri. B.N. Mohta, Adv. for applicant.
Shri A.M. Deshpande, A.P.P. for R-1-State.

CORAM : B.R. Gavai, J.
DATED : August 11, 2006.

This is a revision against acquittal. The respondent no.2-accused has been acquitted for the offences punishable u/Ss. 294, 509 of I.P.C.

The allegation of the present applicant/ complainant was that the present respondent no.2/ original accused used to throw chits containing defamatory messages, in the house.

Heard Shri Mohta, the learned counsel for the applicant, and Shri Deshpande, the learned A.P.P. for respondent no.1-State.

Shri Mohta submitted that the learned trial Court has grossly erred in acquitting the accused inasmuch as, apart from the evidence of P.W.1 complainant, P.W.2 Nanibai, mother of the applicant and an independent witness i.e. P.W.3 Chhatrughna were examined. He further submitted

that the learned trial Court erred in disbelieving these witnesses.

The learned trial Court found that P.W.1 and P.W. 2 had not seen the person who was throwing the chits and as such, their evidence was of no use for the prosecution. Insofar as the evidence of P.W. 3 is concerned, the learned trial Court found that though he had stated that he saw the accused once throwing the chit, his statement was not recorded by the Investigating Officer and he has stated so for the first time in the Court. Moreover, those chits were not sent to the handwriting expert so as to verify the handwriting on it. Thus, the prosecution has failed to prove the case beyond reasonable doubt.

No interference, therefore, is called for and hence application is rejected.

JUDGE

RMP